

delinquent any real estate whatsoever, and that the amount alleged against said property is a true and correct charge; and, in cases in which the description of the property in said list or assessment rolls or books is not sufficient to identify the same, and of which property there is a sufficient description in the inventories of the assessor's office, then said inventories shall be admissible as evidence of the description of said property.

Sec. 3. It shall be the duty of the Comptroller of Public Accounts to prescribe such forms for tax rolls to be used by the county tax assessors as may make it convenient for the collectors of taxes to note thereon the payment of taxes as provided for in this Act; and to prescribe such forms for receipts, and reports and such other forms for the use of the collectors of taxes as in his opinion may be advisable. This provision is cumulative of all other provisions of the statutes of the State prescribing the duties of the Comptroller of Public Accounts.

Sec. 4. All laws in conflict herewith are hereby repealed.

Sec. 5. The fact that under existing laws it is impossible for many taxpayers to pay delinquent taxes but same could be paid if the penalties thereon were graduated and the interest charges deferred until October 1, 1934, and the further fact that a great increase will be made in the payment of taxes in October, November and December of this year and following years under this Act which will be of advantage to the financial condition of the State, counties and districts, creates an emergency and a public necessity requiring that the constitutional rule providing that bills shall be read on three several days in each House shall be suspended, and said rule is hereby suspended and this Act shall take effect from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, Feb. 12, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Military Affairs, to whom was referred

H. C. R. No. 17. For the purpose of construing the phrase "company, troop and battery" as shown in H. B. No. 167 of the Regular Session of the Forty-third Legislature, to mean and

include "company, troop, battery, band and other detachment including each separate federally recognized unit of the Texas National Guard."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

POAGE, Vice-Chairman.

Committee Room,  
Austin, Texas, Feb. 12, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. C. R. No. 3, Authorizing Max Hirsh, his heirs and personal representatives to sue the Highway Commission of the State of Texas, and the State of Texas, under the trade name of Caledonia Steel Company, for an account for steel claimed to have been sold to the State of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

Committee Room,  
Austin, Texas, Feb. 12, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 7, A bill to be entitled "An Act to authorize and empower any water control and improvement district in this State, embracing lands in two or more counties, and containing not less than 125,000 acres, to borrow money and to receive grants or other aid from the Government of the United States or any lending agency thereof, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REGAN, Vice-Chairman.

## TWELFTH DAY.

Senate Chamber,  
Austin, Texas,  
February 13, 1934.  
The Senate met at 10 o'clock a. m.,

pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Fellbaum.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

By Senator Purl:

S. B. No. 8, A bill to be entitled "An Act to amend Article 2529 of the Revised Civil Statutes of 1925, as amended by the Acts of the Forty-third Legislature, 1933, page 840, Chapter 240; as amended by Acts of the Forty-third Legislature, 1933, page 854, Chapter 244; and as amended by Acts of the Forty-third Legislature, 1933, First Called Session, page 215, Chapter 80, Section 1; providing qualifications for State depositories; and declaring an emergency."

Read first time and referred to the Committee on Banks and Banking.

By Senator Sanderford:

S. B. No. 9, A bill to be entitled "An Act authorizing certain State schools to construct, operate and maintain through funds or loans to be obtained from the Government or

any agency created under the National Recovery Act."

Read first time and referred to the Committee on Education.

By Senator Beck:

S. B. No. 10, A bill to be entitled "An Act making an emergency appropriation out of the General Revenue of the State for the purpose of enforcing the provisions of H. B. No. 76, Chapter 52, First Called Session, Forty-first Legislature, and declaring an emergency."

Read first time and referred to the Committee on Finance.

By Senator Oneal:

S. B. No. 11, A bill to be entitled "An Act to amend Section 5 of Chapter 130 of the General Laws of the Regular Session of the Forty-third Legislature so as to provide that no contract, bond or note, or other evidence of indebtedness authorized to be issued under Chapter 130 of the General Laws of the Regular Session of the Forty-third Legislature shall be issued or executed after May 13, 1935; and declaring an emergency."

Read first time and referred to the Committee on Education.

By Senator Regan:

S. B. No. 12, A bill to be entitled "An Act to amend Article 3264, Revised Civil Statutes of 1925, by authorizing irrigation districts, water improvement districts and water power control districts to condemn land under the general condemnation statutes; amending Article 3268, Revised Civil Statutes of 1925 as amended by Chapter 37, General Laws, Fourth Called Session, Forty-first Legislature, by authorizing irrigation districts, water improvement districts and water power control districts to take possession of the property sought to be condemned pending litigation after the award of the commissioners without first depositing bond or sum of money; providing that if any portion of this Act be held unconstitutional same shall not affect the remaining portions; and declaring an emergency."

Read first time and referred to the Committee on State Affairs.

By Senator Purl:

S. B. No. 13, A Bill to entitled, "An Act to amend Section 17 of Chapter 211 of the General Laws passed by the Forty-third Legisla-

ture, 1933, at the Regular Session so as to provide that the counties affected thereby shall be granted reimbursement for high school tuition and transportation, and declaring an emergency."

Read first time and referred to the Committee on Education.

By Senator Woodul:

**S. B. No. 14, A bill to be entitled** "An act granting to the Houston Yacht Club, its successors and assigns, all right, title and interest of the State of Texas to certain land under the waters of Galveston Bay, described as follows: Beginning at the Northeast corner of that certain tract of land in Harris County, Texas, lying on the waters of Galveston Bay, described in deed from Shoreacres, Inc. to San Jacinto Bay Corporation, dated March 23, 1927, recorded in Volume 697, page 460, Deed Records of Harris County, Texas; thence in a Southeasterly direction along the waters of Galveston Bay and following the Southeasterly line of said tract conveyed to San Jacinto Bay Corporation, a distance of approximately seven hundred sixty feet, to the Southeast corner of said tract; thence at right angles to said Southeast line of said tract; in a Northeasterly direction a distance of two thousand feet; thence at right angles in a Northwesterly direction a sufficient distance so as to intersect at right angles a line drawn from the beginning point and at right angles to the Southeasterly line of said tract conveyed to San Jacinto Bay Corporation; thence at right angles in a Southwesterly direction along said line a sufficient distance as to intersect at right angles the Southeasterly line of said tract conveyed to San Jacinto Bay Corporation, at the place of beginning, for harbor purposes and for the purpose of constructing, maintaining, using and operating wharves, docks, slips, piers, breakwaters and other improvements and harbor facilities, for a term of fifty years and so long thereafter as the same may be used and maintained as a harbor; and declaring an emergency."

Read first time and referred to the Committee on State Affairs.

**S. C. R. No. 14.**

Senator Redditt sent up the following Resolution:

Whereas, D. P. Jones Construction Company, a corporation, with its domicile in Little Rock, Arkansas, entered into a certain contract with the State of Texas acting by and through the Highway Commission of the State of Texas and the State Highway Engineer, being for the construction of certain improvements on Highway No. 3-A, in Bexar and Guadalupe Counties, Texas, and known as Federal Aid Project 635-A, the type and character of work to be done thereunder being fully shown by the plans and specifications of said improvements as on file in the offices of the Highway Department of the State of Texas; and,

Whereas, Said corporation commenced work on said construction under said contract, and did construct, improve and build said improvements on said highway and completed said project; and,

Whereas, Certain differences have arisen between said corporation and the State Highway Commission as to the amount of money due by the State of Texas and the State Highway Department of the State of Texas to the said corporation for work done under said contract, and said corporation has filed its claim with the State Highway Commission which has been refused; and,

Whereas, Although the Legislature of the State of Texas does not admit that D. F. Jones Construction Company has a valid and just claim against the State of Texas, the State Highway Commission or the State Highway funds, it is the sense of the Legislature that a citizen who has contracted with the State and has a claim against the State arising out of said contract should not be deprived of his opportunity to submit to the courts his claim, and, if valid, to establish and enforce it against the State or any responsible department of the State;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of Texas, the House of Representatives concurring therein,

SECTION ONE: That D. F. Jones Construction Company, Inc., a corporation, is hereby given and granted consent and permission to file suit against the State of Texas, the Highway Commission of the State of Texas, as such Commission and a

department of the State government, in its official capacity, in any District Court in Travis County, Texas; said suit to be based on the claim of said corporation for compensation alleged to be due it for work done in the performance of the contract above mentioned.

**SECTION TWO:** Service in said suit shall be had by citing the Governor, the Chairman of the Highway Commission and the Attorney General of the State of Texas, and the service of citation upon said officers shall have the same force and effect as is provided by law for service of citation in civil suits between private persons.

**SECTION THREE:** In the event judgment is secured in the trial court against the State of Texas and the Highway Commission, either or both shall have the right of appeal as is provided by law in other civil cases and no bond or other security shall be required of either the State of Texas or the Highway Commission in any such appeal.

**SECTION FOUR:** If a final judgment be recovered against the State of Texas or the Highway Commission of the State of Texas, the same shall be paid in full out of the State Highway funds as other debts payable out of said fund are paid.

On motion of Senator Redditt the Senate granted unanimous consent to consider the resolution at this time without reference to a committee.

The resolution was adopted.

Senator DeBerry was recorded as voting "no" on the resolution.

Senator Poage was recorded as voting "no" on the resolution.

#### S. C. R. No. 15

Senator Redditt sent up the following Resolution:

Whereas, Ben Sira, an individual, conducting business under the trade name Ben Sira and Company, entered into two certain contracts with the State of Texas acting by and through the Highway Commission of the State of Texas and the State Highway Engineer, one being for the construction of certain improvements on Highway No. 40, in Cooke County, Texas, and known as State Aid Project 1027-B, and the other being for the construction of certain highway improvements in Fort Bend

County and known as Federal Aid Project "E" 637-A, contract No. 1; the type and character of work to be done thereunder being fully shown by the plans and specifications of said improvements as on file in the offices of the Highway Department of the State of Texas; and,

Whereas, Ben Sira and Company commenced work on said construction under said contract, and did construct, improve and build said improvements on said highway and completed said projects; and,

Whereas, Certain differences have arisen between said Ben Sira and Company and the State Highway Commission as to the amount of money due by the State of Texas and the State Highway Department of the State of Texas to the said Ben Sira and Company for work done under said contracts, and said Ben Sira and Company has filed its claim with the State Highway Commission which has been refused; and,

Whereas, Although the Legislature of the State of Texas does not admit that Ben Sira and Company has a valid and just claim against the State of Texas, the State Highway Commission or the State Highway funds, it is the sense of the Legislature that a citizen who has contracted with the State and has a claim against the State arising out of said contract should not be deprived of his opportunity to submit to the courts his claim, and, if valid, to establish and enforce it against the State or any responsible department of the State;

NOW, THEREFORE, BE IT RESOLVED. By the Senate of Texas, the House of Representatives concurring therein,

Section 1. That Ben Sira, trading as Ben Sira and Company, is hereby given and granted consent and permission to file suit against the State of Texas, the Highway Commission of the State of Texas, as such Commission and a department of the State government, in its official capacity, in any District Court in Travis County, Texas; said suit to be based on the claim of Ben Sira and Company for compensation alleged to be due it for work done in the performance of the two contracts above mentioned; and it shall not be a misjoinder to prosecute both of said claims in one suit.

Sec. 2. Service in said suit shall be had by citing the Governor, the Chairman of the Highway Commission and the Attorney General of the State of Texas, and the service of citation upon said officers shall have the same force and effect as is provided by law for service of citation in civil suits between private persons.

Sec. 3. In the event judgment is secured in the trial court against the State of Texas and the Highway Commission, either or both shall have the right of appeal as is provided by law in other civil cases and no bond or other security shall be required of either the State of Texas or the Highway Commission in any such appeal.

Sec. 4. If a final judgment be recovered against the State of Texas or the Highway Commission of the State of Texas, the same shall be paid in full out of the State Highway funds as other debts payable out of said fund are paid.

On motion of Senator Redditt the Senate gave unanimous consent to consider the resolution at this time without reference to a committee.

The resolution was adopted.

Senator DeBerry was recorded as voting "no" on the resolution.

Senator Poage was recorded as voting "no" on the resolution.

#### S. C. R. No. 16.

Senator Beck sent up the following resolution:

Whereas, The United States Property and Disbursing Officer for the State of Texas has charge of the disbursement of all moneys and property granted by the United States Government to the National Guard of this State; and

Whereas, Sound business policy dictates that the State should guard itself against loss of any part of these funds by placing said officer under good and sufficient bond;

NOW, THEREFORE, BE IT RESOLVED, by the Senate of the State of Texas, the House of Representatives concurring, That the Adjutant General be and he is hereby authorized to pay the premium on the official bond of said United States Property and Disbursing Officer for the State of Texas, out of

the appropriation made by the Forty-third Legislature at its Regular Session for contingent expenses for the Adjutant General's Department, the premium of said bond, however, not to exceed the sum of \$125.00.

BE IT FURTHER RESOLVED, By the Senate, the House of Representatives concurring, That the Comptroller of Public Accounts of the State of Texas, when duly verified and proper accounts for the same are submitted, be and he is hereby authorized to issue a warrant against the State Treasurer in a sum not to exceed \$125.00 in payment of the premium on the official bond of the United States Property and Disbursing Officer for the State of Texas.

Read and referred to the Committee on Finance.

#### S. C. R. No. 17.

Senator Patton sent up the following resolution:

Whereas, S. B. No. 242, Chapter 173, Acts of the Forty-third Legislature, Regular Session, provided an emergency appropriation for salary aid; high school tuition aid; transportation aid; tax supplement aid; high school tuition per capita aid; and consolidated bonus aid to rural school districts; and

Whereas, The Iola Independent School District of Grimes County was inadvertently omitted from said S. B. No. 242 mentioned above; and

Whereas, Iola Independent School District is eligible to participate in the benefits of said bill from the consolidation bonus aid to the extent of Twelve Hundred (\$1200.00) Dollars; and

Whereas, It was the intention of the Legislature in passing S. B. No. 242 to care for all school districts eligible to receive aid under said bill;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of Texas, the House of Representatives concurring, That the State Superintendent of Public Instruction be, and he is hereby authorized to pay over to the trustees of Iola Independent School District the sum of Twelve Hundred (\$1200.00) Dollars, out of any funds that may be unexpended from the deficiency appropriation provided in S. B. No. 242, Chapter 173, Acts of

the Forty-third Legislature, Regular Session.

Referred to the Committee on Finance.

#### S. C. R. No. 18.

Senator Sanderford sent up the following resolution:

Whereas, The Federal Government, by authority of the National Recovery Act, has provided ways and means whereby most all agencies, both governmental and private, can secure Federal loans and grants; and

Whereas, No provision has yet been made for extending this aid to churches and privately endowed colleges and universities; and

Whereas, There is an evident need of some financial assistance in order that these institutions may survive.

THEREFORE, BE IT RESOLVED, By the Senate of the State of Texas, the House of Representatives concurring, That the two Texas Senators and the twenty-one Congressmen representing the State of Texas, be and are hereby requested to support an amendment whereby our churches and privately endowed colleges and universities may become eligible to receive grants and loans under the National Recovery Act.

On motion of Senator Sanderford, the Senate granted unanimous consent to consider the resolution at this time without reference to a committee.

The resolution was adopted.

#### H. C. R. No. 23.

The Chair laid before the Senate H. C. R. No. 23, Endorsing the policy of offering a reward for notorious, well-known and outstanding criminals, etc.

On motion of Senator Martin, the resolution was referred to the Committee on State Affairs.

#### Resolutions Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following resolutions:

H. C. R. No. 5.      H. C. R. No. 17.  
H. C. R. No. 6.

#### At Ease.

On motion of Senator Holbrook, the Senate, at 10:10 o'clock a. m.,

stood at ease until 11 o'clock a. m. today.

#### In Session.

The Senate, pursuant to standing at ease, was called to order at 11 o'clock a. m., by Lieutenant Governor Edgar E. Witt.

#### Messages From the House.

Hall of the House of Representatives, Austin, Texas, Feb. 13, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

S. C. R. No. 16, Authorizing the payment, by the Adjutant General, out of the appropriation made by the Forty-third Legislature for contingent expenses for the Adjutant General's Department, of the premium on the official bond of the United States Property and Disbursing Officer for the State of Texas.

H. C. R. No. 23, Endorsing the policy of the offering of a reward for notorious, well-known and outstanding criminals.

The House has passed the following bill:

S. B. No. 7, A bill to be entitled "An Act to authorize and empower any water control and improvement district in this state, embracing lands in two or more counties, and containing not less than 125,000 acres, to borrow money and to receive grants or other aid from the Government of the United States or any lending agency thereof; providing for the levy of taxes on all taxable property within the limits of any such district sufficient to pay the principal of and interest on bonds of such district issued or sold to said government or any lending agency thereof, or all bonds of any such district pledged as collateral to secure payment of any loan made by said government or agency thereof to any such district providing that all or part of the maintenance fund of any such district may be irrevocably pledged as additional security for the payment of the principal of and interest on all such bonds issued or sold to such government or agency thereof, or pledged as collateral to secure payment of any loan between said district and the government, or any such agency, in addition to the authorized bond tax; providing that

the bond fund may repay or refund to the maintenance fund all moneys paid by the maintenance fund into such bond fund to prevent or cure defaults in payment of principal and/or interest on such bonds; providing for the subordination of existing bonded indebtedness in conformity with requirements of contracts between any such district and government or agency thereof, and providing methods of procedure in reference thereto, including the issuance of refunding bonds providing for payment of any existing bonded indebtedness from uncollected taxes theretofore levied in event the holders of such indebtedness refuse to enter into subordination agreements; providing that except as herein otherwise provided, the general laws relative to water control and improvement district bonds shall apply to issuance, approval, registration, sale and payment of all bonds that may be issued pursuant to this Act, and also providing for depository agreements in respect of the deposit and safekeeping of the proceeds of any such loan or the proceeds of taxes, assessments and other revenues of any such district; providing that if any part of this Act is held unconstitutional or invalid, such invalidity shall not effect the validity of the remaining portions of this Act; enacting provisions incident to the subject and purpose of this Act; and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Address.

The Chair at this time introduced to the Senate Messrs. Martin and Higgs of the Press Association, who each, in turn, briefly addressed the subject of a good-will tour to be made this year and sponsored by the Press Association.

#### Special Order.

On motion of Senator Small S. B. No. 3 was set for special order just after the morning call tomorrow morning.

#### Messages From the Governor.

Executive Department,  
Austin, Texas, Feb. 13, 1934.  
To the Forty-third Legislature in  
Second Called Session:

I submit for your consideration a bill hereto attached to be entitled: "An Act amending Article 287, of the Penal Code of the State of Texas of 1925, as amended by Chapter 139 of the General Laws of the Regular Session of the Thirty-ninth Legislature, as amended by Chapter 116 of the General Laws of the Regular Session of the Forty-second Legislature by adding thereto, after the words 'ice dealers,' the words 'fruit dealers, vegetable dealers,' and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Department,

Austin, Texas, Feb. 13, 1934.

To the Forty-third Legislature in  
Second Called Session:

I submit for your consideration at the request of Representative Alsop a bill hereto attached to be entitled: "An Act repealing House Bill 854 as passed by the Regular Session of the Forty-third Legislature in Regular Session and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Department,

Austin, Texas, Feb. 13, 1934.

To the Forty-third Legislature in  
Second Called Session:

I herewith submit for your consideration a bill hereto attached to be entitled: "An Act making appropriation for additional employees in the Bureau of Labor Statistics beginning March 1, 1934 and ending August 31, 1935, and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Department,

Austin, Texas, Feb. 13, 1934.

To the Forty-third Legislature in  
Second Called Session:

By request, I submit for your consideration a bill hereto attached to be entitled "An Act to apportion the State of Texas into Congressional Districts, naming the Counties composing the same, and providing for the election of a member of the Congress of the United States from each district, transferring Duval County from the 14th District to the 15th

District, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Department,  
Austin, Texas, Feb. 13, 1934.  
To the Forty-third Legislature in  
Second Called Session:

By request of Senator Regan I submit for your consideration a bill hereto attached to be entitled "An Act to amend Article 3264, Revised Civil Statutes of 1925, by authorizing irrigation districts, water improvement districts and water power control districts to condemn land under the general condemnation statutes, and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Department,  
Austin, Texas, Feb. 13, 1934.  
To the Forty-third Legislature in  
Second Called Session:

By request I herewith submit for your consideration a bill hereto attached to be entitled "An Act granting to the Houston Yacht Club, its successors and assigns, all right, title and interest of the State of Texas to certain land under the water of Galveston Bay, and declaring an emergency."

It appears from letters hereto attached that said legislation is necessary to secure a loan of \$120,000.00 from the Federal Government.

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Department,  
Austin, Texas, Feb. 13, 1934.  
To the Forty-third Legislature in  
Second Called Session:

By request of Representative Greathouse and others I herewith submit for your consideration a bill hereto attached to be entitled "An Act providing that cities with a population of more than 160,000 inhabitants according to the last preceding federal census may mortgage and encumber their airports and the income thereof or either of them for the purpose of acquiring or improv-

ing the same, and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Department,  
Austin, Texas, Feb. 13, 1934.  
To the Forty-third Legislature in  
Second Called Session:

By request of Senator Regan I herewith submit for your consideration a bill hereto attached to be entitled "An Act to amend Articles 1111, 1112, 1113, and 1114 of the Revised Civil Statutes of Texas for 1925, and amendments thereof as passed by the Fortieth Legislature, and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Department,  
Austin, Texas, Feb. 13, 1934.  
To the Forty-third Legislature in  
Second Called Session:

By request of Representative Reed of Dallas, I herewith submit for your consideration a bill hereto attached to be entitled "An Act validating all elections, election orders, election proceedings and city ordinances annexing adjacent territory in incorporated cities having not less than 3,000 and not more than 6,000 inhabitants, and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Department,  
Austin, Texas, Feb. 13, 1934.  
To the Forty-third Legislature in  
Second Called Session:

By request of various Senators I submit for your consideration a bill hereto attached to be entitled "An Act making an emergency appropriation out of the General Revenue of the State for the purpose of enforcing the provisions of H. B. No. 76, Chapter 52, First Called Session, Forty-first Legislature, and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Department,  
Austin, Texas, Feb. 13, 1934.  
To the Forty-third Legislature in  
Second Called Session:

By request of Representative Walker I herewith submit for your consid-



eration a bill hereto attached to be entitled "An Act authorizing independent school districts to build or purchase buildings or grounds for the purpose of constructing gymnasias, stadia, or other recreational facilities and to encumber the same and the income thereof to secure the payment of the purchase price to evidence the indebtedness created thereby by the issuance of bonds, notes or other evidences of indebtedness and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Department,

Austin, Texas, Feb. 13, 1934.

To the Forty-third Legislature in  
Second Called Session:

By request I herewith submit for your consideration a bill hereto attached to be entitled "An Act authorizing any county or district, organized, or which may be hereafter organized in accordance with the laws of the State of Texas to purchase for the use or benefit of the people within and adjacent to any such county or district, or the use and benefit of a portion of the area of the county or district served thereby, works, buildings, equipment, together with all the rights, land and easements, appurtenant thereto and necessary therefor, for rendering irrigation, flood prevention, water supply, drainage and/or sewerage service, and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Department,

Austin, Texas, Feb. 13, 1934.

To the Forty-third Legislature in  
Second Called Session:

By request I submit for your consideration a bill hereto attached to be entitled "An Act prohibiting persons allowing certain animals and livestock grazing, running upon, and trespassing upon certain designated highways in this State . . . and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Department,

Austin, Texas, Feb. 13, 1934.

To the Forty-third Legislature in  
Second Called Session:

By request I submit for your consideration a bill hereto attached to

be entitled "An Act validating refunding bonds issued by certain Water Improvement Districts under authority of the Acts 1933, Forty-third Legislature, page 171, Chapter 78, and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Department,

Austin, Texas, Feb. 13, 1934.

To the Forty-third Legislature in  
Second Called Session:

By request of Senator Purl I submit for your consideration a bill hereto attached to be entitled "An Act to amend Article 2529 of the Revised Civil Statutes of 1925; as amended by the Acts of 1933 Forty-third Legislature, p. 840, Ch. 240; as amended by Acts of 1933, Forty-third Legislature, p. 854, Ch. 244; and as amended by Acts of 1933, Forty-third Legislature, First Called Session, p. 215, Ch. 80, Sec. 1; providing qualifications for state depositories; and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Department,

Austin, Texas, Feb. 13, 1934.

To the Forty-third Legislature in  
Second Called Session:

By request I herewith submit for your consideration a bill hereto attached to be entitled "An Act authorizing the Board of Regents of the University of Texas and the branches thereof, and the Board of Directors of the Agricultural and Mechanical College and its branches, and other State institutions therein mentioned to construct, acquire, operate, maintain through and only through funds or loans to be obtained from the Government of the United States or agencies thereof, created under the National Recovery Act, and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

**Recess.**

On motion of Senator Holbrook, the Senate, at 12 o'clock noon, stood recessed until 2 o'clock p. m. today.

**Afternoon Session.**

The Senate, pursuant to recess, was called to order at 2 o'clock p. m.

by Lieutenant Governor Edgar E. Witt.

**Message From the House.**

Hall of the House of Representatives,  
Austin, Texas, Feb. 13, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolution:

H. B. No. 13, A bill to be entitled "An Act providing for the issuance of State relief bonds, to be designated as 'Texas Relief Bonds—Second Series,' in the sum of Ten Million (\$10,000,000.00) Dollars, under Section 51-a, Article III, of the Constitution of the State of Texas; providing the terms and denominations and interest of such bonds and the manner of signing and registering same, and the sources from which said bonds and the interest thereon shall be paid, and exempting same from taxation; etc."

H. C. R. No. 26, Placing the Legislature of Texas on record as opposing a tax on natural gas.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

**Public Hearing Set.**

Senator Woodul, Vice-Chairman of the Committee on State Affairs, gave notice that a public hearing would be started on H. B. No. 13, providing for the issuance of State Relief Bonds, Wednesday, February 14, at 8 o'clock p. m.

**Bill Referred.**

H. B. No. 13, referred to the Committee on State Affairs.

**Senate Simple Resolution No. 13.**

Senator Martin sent up the following resolution:

Whereas, The Third Called Session of the Forty-third Legislature, now in session, was called by the Governor for the purpose, in part, of providing relief bonds for the unemployed of our State; and

Whereas, In order to make the bonds salable, the Governor has seen fit to submit the subject of revenue and taxation in order to provide funds sufficient to retire all relief bonds that may be voted; and

Whereas, The Legislature is not at this time advised as to the condition of the finances of the State, that is to say, as to how much revenue,

if any, the State now has available to retire relief bonds, or how much revenue, if any, will be available to retire said bonds, from the tax funds already levied by the Legislature; and

Whereas, the levying of additional taxes at this time against any industry in this State is calculated to seriously hinder and hamper the recovery of this State to its normal condition.

THEREFORE, BE IT RESOLVED, That the Comptroller and State Treasurer of the State of Texas be called upon by the Senate to furnish to the Senate a complete statement as to the condition of the State Treasury at this time and as to what the conditions may be at the end of this fiscal year, and at the same time furnish the Legislature information as to the condition of the Treasury at this same period of the year, for the next preceding three years to the end that the Legislature may be able to ascertain as to whether or not there is any need for additional taxes, and if so, how much may be necessary.

The resolution was adopted.

**H. C. R. No. 26.**

The Chair laid before the Senate H. C. R. No. 26, Placing the Legislature on record as opposing a Federal tax on natural gas.

On motion of Senator Purl the Senate granted unanimous consent that the resolution be considered at this time without reference to a committee.

The resolution was adopted.

**Senate Bill No. 11.**

The Chair laid before the Senate on second reading the following bill:

S. B. No. 11, A bill to be entitled "An Act providing that no contract, bond or evidence of indebtedness may be issued or executed after May 13, 1935, etc."

The rule requiring committee reports to lie over one day was suspended by the following vote:

**Yeas—29.**

Beck.	Hornsby.
Blackert.	Martin.
Collie.	Moore.
Cousins.	Murphy.
DeBerry.	Neal.
Duggan.	Oneal.
Greer.	Pace.
Hopkins.	Parr.

Patton.	Sanderford.
Poage.	Small.
Purl.	Stone.
Rawlings.	Woodruff.
Redditt.	Woodul.
Regan.	Woodward.
Russek.	

Nays—1

Holbrook.

Absent—Excused.

Fellbaum.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendment was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Oneal the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 11 was put on its third reading and final passage by the following vote:

Yeas—29

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodul.
Neal.	Woodruff.
Oneal.	Woodward.
Pace.	

Nays—1

Holbrook.

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—24

Beck.	Neal.
Blackert.	Oneal.
Collie.	Pace.
Cousins.	Parr.
Duggan.	Patton.
Greer.	Poage.
Hopkins.	Purl.
Hornsby.	Rawlings.
Martin.	Redditt.
Moore.	Regan.

Russek.	Woodruff.
Sanderford.	Woodul.
Small.	Woodward.
Stone.	

Nays—3

DeBerry.	Murphy.
Holbrook.	

Absent—Excused.

Fellbaum.

S. C. R. No. 16.

The Chair laid before the Senate S. C. R. No. 16.

On motion of Senator Beck, the Senate granted unanimous consent to consider the resolution at this time, out of its regular order.

The resolution was adopted.

Senate Bill No. 9.

The Chair laid before the Senate the following bill:

S. B. No. 9, A bill to be entitled "An Act authorizing certain State schools to construct, operate and maintain through funds or loans to be obtained from the Government or any agency created under the National Recovery Act, etc."

The rule requiring committee reports to lie over one day was suspended by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Fellbaum.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendment was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Sanderford the constitutional rule requiring bills

to be read on three several days was suspended and S. B. No. 9 was put on its third reading and final passage by the following vote:

## Yeas—30

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

## Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

## Yeas—28

Beck.	Parr.
Blackert.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

## Nays—2

Collie. DeBerry.

## Absent—Excused.

Fellbaum.

## Adjournment

On motion of Senator Purl, the Senate, at 2:35 o'clock p. m., adjourned until 10 o'clock a. m., tomorrow.

## APPENDIX.

## Committee on Engrossed Bills.

Committee Room,  
Austin, Texas, Feb. 13, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 9,

carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

## Committee Room,

Austin, Texas, Feb. 13, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 11, carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

## Committee Room,

Austin, Texas, Feb. 13, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 7, carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

## Committee Room,

Austin, Texas, Feb. 13, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. C. R. No. 16, carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

## Committee Room,

Austin, Texas, Feb. 13, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. C. R. No. 18, carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

## Committee Reports.

## Committee Room,

Austin, Texas, Feb. 13, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 13, A bill to be entitled "An Act to amend Section 17 of Chapter 211 of the General Laws passed by the 43rd Legislature at the regular session so as to provide that the counties affected thereby shall be granted reimbursement for High School tuition and transportation, and declaring an emergency."

Have had the same under consideration, and I am instructed to re-

port it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 9, A bill to be entitled, "An Act authorizing the Board of Regents of the University of Texas and the branches thereof, and the Board of Directors of the A. & M. College and its branches, and the Board of Directors of Texas Technological College, and the Board of Regents of the State Teachers Colleges, the Board of Directors of the College of Industrial Arts, and the Board of Directors of the College of Arts and Industries, to construct, acquire, operate, maintain through, and only through, funds or loans to be obtained from the Government of the United States or any agency or agencies thereof, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 11, A bill to be entitled "An Act to amend Section 5 of Chapter 130 of the General Laws of the Regular Session of the Forty-third Legislature so as to provide that no contract, bond or note, or other evidence of indebtedness authorized to be issued under Chapter 130 of the General Laws of the Regular Session of the Forty-third Legislature shall be issued or executed after May 13, 1935; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,

Austin, Texas, Feb. 12, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. C. R. No. 20, Relative to the payment of Two Hundred (\$200.00) Dollars to the Doole Rural High School District No. 28, McCulloch County.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 10, A bill to be entitled "An Act making an emergency appropriation out of the General Revenue of the State for the purpose of enforcing the provisions of H. B. No. 76, Chapter 52, First Called Session, Forty-first Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. C. R. No. 17, Being for the purpose of authorizing the Superintendent of Public Instruction to pay over to the trustees of Iola Independent School District the sum of \$1200.00, out of any funds that may be unexpended from the deficiency appropriation provided in S. B. No. 242, Chapter 173, Acts of the Forty-third Legislature, Regular Session, because of omission of this district in said Senate Bill.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. C. R. No. 16, Being for the purpose of authorizing payment of the premium on the official bond of the United States Property and Disbursing Officer for the State of Texas, out of the appropriation made by the Forty-third Legislature for contingent expenses for the Adjutant General's Department, the premium on said bond not to exceed \$125.00.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 12, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 3, A bill to be entitled "An Act temporarily enlarging the powers of the District Courts of this State to grant continuances and stays of execution in suits to foreclose liens upon real property and to grant restraining orders and temporary injunctions restraining sales of real estate under deeds of trust and other contracts and sales under executions and orders of sale; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute, hereto attached, do pass in lieu thereof.

HOPKINS, Chairman.

C. S. S. B. No. 3.

A BILL

To Be Entitled

An Act temporarily enlarging the powers of the District Courts of this State to grant continuances and stays of execution in suits to foreclose liens upon real property and to grant restraining orders and temporary injunctions restraining sales of real estate under deeds of trust and other contracts and sales under executions and orders of sale; specifying the necessary allegations for motions for continuance, applications for stay orders; and petitions for injunction, and prescribing the contents of orders granting such continuances, stay orders and injunctions; providing for payment of rent on real property involved;

prescribing the duration of stay orders, continuances and injunctions and for the renewal thereof and the dissolution thereof; prescribing that such motions and petitions for such relief shall be addressed to the sound discretion of the trial court and that the refusal of such relief shall not be reviewable on appeal; providing for the appointment of receivers for the entry of judgments by agreement, suspending statutes of limitation as to real property for which relief under this Act is invoked; making the several provisions of the Acts separate and distinct; extending the act to guarantors, sureties and indorsers where payment of debt is postponed for partly primarily liable; repealing all laws in conflict; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. From the effective date of this Act until January 1, 1935, the Judges of the several District Courts having civil jurisdiction in this State, in addition to the powers heretofore exercised, are hereby authorized to grant continuances and stays of execution in all suits instituted for the purpose of foreclosing liens upon real property and to grant writs of injunction restraining the sale of real property under powers created by Deeds of Trust or other contracts and to restrain sales under executions and orders of sale issued out of any court in this State, when it shall be made to appear by verified motion or petition or from evidence adduced upon a trial on the merits or on exparte or preliminary hearing as follows:

(a) That the defendant or the relator is justly obligated to pay the indebtedness declared upon or sought to be collected but that he is financially unable to pay the same or any part thereof.

(b) That a sale of the incumbered property under deed of trust or under process of the court or a sale of the property seized under execution would result in an unfair, unjust and inequitable financial loss to the defendant or relator; and would not be unfair, unjust and inequitable to the creditor taking into consideration the financial condition of all parties.

(c) That the value of the property

involved is substantially in excess of the amount of the debt demanded.

(d) That the property will probably sell for substantially less than its value if a sale under Deed of Trust, Order of Sale, or execution is held in due course.

(e) That the defendant or relator has not theretofore permitted the property to be abused, ill-treated or mismanaged or to deteriorate for want of necessary repairs, and that such property will be managed, controlled and cared for properly during the pendency of the suit.

(f) That there is a reasonable expectation that the indebtedness will be materially reduced or that a substantial amount thereof will be refinanced within a reasonable time.

(g) That the defendant or relator will pay into court for application by the clerk on the indebtedness demanded a sum equal to the rental value of the property involved, if such property be urban property or business property and that one monthly installment has been paid and that if the property be rural or farm property, that the defendant or relator has duly assigned and conveyed to the creditor the usual and customary rents and revenues from such property.

(h) That the defendant or relator is not in arrears in the payment of taxes to any tax gathering agency for more than two years on the property covered by the deed of trust or contract lien.

(i) That neither the indebtedness demanded nor the lien securing same has been renewed, extended, created, or assumed by the complaining party or any predecessor in title to the real property since May 1, 1933.

(j) That the lien sought to be foreclosed was not created to secure in whole or in part, any indebtedness for money or property procured by misrepresentation, fraud, defalcation or embezzlement and that the debt is justly owing and is secured by a valid lien on the security.

Sec. 2. When answer is due in a cause of action instituted to foreclose a lien on real property, the defendant may file a verified motion for continuance, embracing allegations covering the details contained in Section 1 of this Act, and the Court may then order the cause continued for the term, or for such

time as may be deemed sufficient, or may hear the cause on the merits and permit proof of such allegations and render judgment with stay of execution or order of sale for such time as may be equitable, which in no event shall be beyond the next term of Court, provided that no such relief shall be available where the defendant interposes a defense to the cause of action alleged.

Sec. 3. When there is a threatened foreclosure of a Deed of Trust Lien that was outstanding prior to May 1, 1933, and that has not been renewed or extended since that time, or when a sale of real property under execution or order of sale is threatened the Judge of the District Court of the county in which the land or a part thereof is situated, or the Judge of the Court from which the execution or order of sale is issued, upon presentation of a verified petition embracing allegations covering the conditions contained in Section 1 hereof, may in his discretion issue an order temporarily restraining the sale under the Deed of Trust, Order of Sale or Execution. In such cases the Judge shall set for a hearing on the petition within ten days from the date of the restraining order and shall cause notice to be given to the parties against whom complaint is made in the manner now provided by law, and upon such hearing, if the allegations in the petition are found to be true, the Judge may, in his discretion, grant a temporary injunction restraining the sale for a reasonable time, not to exceed one hundred twenty days, provided, however, that no such injunction or restraining order shall be granted where the petitioner is delinquent in the payment of taxes accruing to any subdivision of government for more than two tax paying years at the time the petition is presented or at the time the judgment of foreclosure was rendered and said petitioner will be deemed delinquent when taxes have been paid or advanced by the creditor; and provided that the benefits of this Act shall not be available to a judgment debtor who has on the trial of the cause defended the same by a denial of the validity of the lien sought to be foreclosed and against whose property the lien has been adjudged valid.

Sec. 4. In the order granting a continuance, or stay of execution, or a temporary injunction under the provisions of this Act, the Court shall specify the amount of rent to be paid for the use of the urban or business property and direct that monthly installments be paid to the clerk for application on the debt demanded, and in no event shall such order be granted until the first installment of rent has been paid and in all such cases the order shall provide that a failure to pay such installment as and when due, will of itself vacate the order. Where the property involved is rural or farm property the court shall determine the usual and customary rentals paid for such property and shall require the debtor to assign, transfer or secure to the creditor such rents and revenues or the value thereof, before such order is granted. All writs of injunction issued to restrain sales under executions and/or orders of sale shall be made returnable to the courts from which the restrained process was issued.

Sec. 5. Where it is made to appear to the court that the proper protection of the property and the rents and revenues to be derived therefrom can be better served by the appointment of a receiver to take charge of and manage and control the property during the period for which any cause may be continued or the period for which a stay of execution or an injunction shall be effective, the court shall be authorized to appoint some suitable person to act as receiver of such property and to manage and control the same under the orders of the court and make such distribution of the rents and revenues as the court may direct.

Sec. 6. At the end of the period for which the temporary injunction, or the continuance, or the stay of execution, as the case may be, was granted, and on further similar application, notice and hearing, the Court or Judge may in his discretion enter a further order for temporary injunction or continuance or stay in like manner and upon the same conditions as contained in Sections 2 and 3 hereof. But in no event shall the operation of the original or the subsequent order extend beyond January 1, 1935.

Sec. 7. Upon the showing that the defendant or the relator has failed to comply with the order of the Court for the payment of rent on the property involved, or that the conditions of the relator or defendant have changed to such an extent as to make the grounds upon which any continuance, stay order, or injunction was granted inapplicable the Court shall forthwith enter an order setting aside the continuance or the stay of execution, or the injunction and proceed with the trial of the case on its merits, or permit the property to be sold as the case may be.

Sec. 8. The motion for continuance or for stay of execution or the petition for injunction shall be addressed to the sound discretion of the trial court and the action of the court in refusing to grant any such relief as herein authorized shall be final and not be assigned as error on appeal.

Sec. 9. No guarantor of an indebtedness, nor indorser nor surety for the payment thereof, nor any person primarily liable thereon, the collection of which has been enjoined or postponed by reason of the provisions of this Act, shall be required to pay such indebtedness during the injunction or postponement of the suit, nor shall the obligations of such guarantor, indorser, or surety in any way be impaired or lessened by reason thereof, nor shall the creditor be obligated to pursue any remedy against such guarantor, indorser or surety during the continuance of such injunction and/or postponement of suit.

Sec. 10. The period from February 15, 1934 to January 1, 1935, shall not be included in computing any period of limitation under the laws of this State with reference to liens on real property and the debts secured thereby, provided the provisions of this Act have been invoked by the record owner of such real property.

Sec. 11. Nothing herein shall be held to prevent or limit the right of any Court to enter any judgment by agreement of the parties.

Sec. 12. The provisions of this Act are hereby declared to be distinct and separable. If any section, paragraph, sentence or clause hereof shall be found by a court of competent jurisdiction to be invalid the decision of such court shall not affect



the validity of any other section, paragraph, sentence or clause.

Sec. 13. All laws and part of laws in conflict with any of the provisions of this Act are hereby suspended during the effective period of this Act, but not repealed and this Act shall terminate and be of no further force and effect on and after January 1, 1935.

Sec. 14. The fact that under existing laws forced sales are had under deeds of trust and vendor's liens at which tracts of real estate are sold at prices greatly below their real and equitable value, and the fact that such sales work inequities and undue hardships upon the owners of such real estate, and the further fact that an extraordinary financial emergency and depression exists within this State and elsewhere, and that many citizens are threatened with the foreclosure of liens upon property, and by reason thereof imminent danger exists whereby citizens may be subjected to distressing losses, and the fact that great and irreparable wrong and injury will be done unless immediate relief as provided herein be granted, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended and this Act shall take effect from and after its passage, and it is so enacted.

### THIRTEENTH DAY.

Senate Chamber,  
Austin, Texas,  
February 14, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Murphy.
Blackert.	Neal.
Collie.	Oneal.
Cousins.	Pace.
DeBerry.	Parr.
Duggan.	Patton.
Greer.	Poage.
Holbrook.	Purl.
Hopkins.	Rawlings.
Hornsby.	Redditt.
Martin.	Regan.
Moore.	Russek.

Sanderford.	Woodruff.
Small.	Woodul.
Stone.	Woodward.

Absent—Excused.

Fellbaum.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Rawlings.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Duggan:

S. B. No. 15, A bill to be entitled "An Act making an emergency appropriation out of that portion of the Special Racing Fund that has been or will be allocated to the Department of Agriculture, for the purpose of purchasing and erecting necessary machinery and conducting essential work necessary for preventing the further spread of the pink bollworm and in meeting the present emergency in connection with the recent findings of the pink bollworm in the counties of Bailey, Lamb, Cochran, Hockley, Yoakum, Terry, Gaines, and Dawson, and by so doing to insure the continuance of interstate trade relations now enjoyed by Texas; and declaring an emergency."

Read first time and referred to the Committee on Finance.

By Senator Pace:

S. B. No. 16, A bill to be entitled "An Act to ratify, confirm and validate deliveries of road bonds heretofore made by counties wherein the counties have lawfully delivered bonds to the purchasers thereof and have thereafter permitted the exchange of said bonds for other bonds of the same issues then remaining unsold and held by said counties, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

By Senator Oneal:

S. B. No. 17, A bill to be entitled "An Act providing for the Agricultural and Mechanical College Sub-